

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

<p>PEARSON EDUCATION, INC., Plaintiff, v. CHEGG, INC., Defendant.</p>	<p>Civil Action No.: 21-16866</p> <p style="text-align: center;">ORDER OF THE SPECIAL DISCOVERY MASTER</p>
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LINARES, J.

WHEREAS, on April 4, 2023, the Special Master held Oral Argument regarding numerous then-pending discovery disputes. During said Oral Argument, the Special Master resolved certain disputes on the record;

WHEREAS, one dispute involved the “user log data associated with the 150 textbooks at issue”;

WHEREAS, prior to the April 4, 2023 Oral Argument, Defendant Chegg had provided Pearson with a sample production of the proposed format Chegg intended to produce said user log data. That sample production was marked by the Special Master as “Court Exhibit 2” for identification;

WHEREAS, after an extended discussion on the record, Plaintiff Pearson agreed that its discovery demands would be satisfied if Defendant Chegg replicated Court Exhibit 2 for each of the 150 works in suit. The Special Master then ordered Chegg to produce the user log data in a

format that was consistent with Court Exhibit 2 for all the works in suit. The Special Master's June 5, 2023 Order (ECF No. 133), in part, memorialized this on-the-record Order;

WHEREAS, on July 10, 2023, Plaintiff Pearson raised an additional dispute with the Special Master by way of email. Therein, Pearson claimed that "Chegg produced certain user log data but left out important information, including categories of information previously provided in Chegg's attorney-generated sample data." Accordingly, Pearson requested that the Special Master enter an Order compelling Defendant Chegg's compliance with ECF No. 133;

WHEREAS, on July 17, 2023, Defendant Chegg submitted an opposition email to the Special Master, wherein it indicated that it has complied with ECF No. 133. Specifically, Chegg noted that, on April 25, 2023, Chegg produced a replica of Court Exhibit 2 for each of the 150 works in suit. Chegg further explained that its production was in fact limited to those fields that appeared in Court Exhibit 2. Chegg averred that Plaintiff Pearson has "now reversed course" by seeking "user log data in the format Chegg *originally* produced." (emphasis in original). Pearson submitted a reply email on July 19, 2023. On July 20, 2023, Chegg submitted a sur-reply email;

WHEREAS, the Special Master has reviewed the initial submissions made by the parties before the April 4, 2023 Oral Argument, the transcript from the April 4, 2023 Oral Argument, the June 5, 2023 Order (ECF No. 133), and the competing emails submitted by the parties in connection with this most recent dispute;

WHEREAS, based on review of said materials, it is apparent to the Special Master that Defendant Chegg has complied with the Special Master's Orders. That is, Chegg produced the user log data in a format that is consistent with Court Exhibit 2 for the 150 works in suit. Requiring Chegg to make productions in a format that is inconsistent with, or greater in scope

than, Court Exhibit 2 would exceed the agreement that the parties came to during the April 4, 2023 Oral Argument and the scope of ECF No. 133. Thus, based on this representation from Chegg's counsel, Defendant Chegg has complied with the Special Master's Orders;

WHEREAS, based on the parties' competing emails, Plaintiff Pearson is dissatisfied with the information obtained from Defendant Chegg's productions and, now, seeks additional information. The parties have indicated that they are in the process of meeting-and-conferring to resolve this new dispute. Thus, for the foregoing reasons, and for good cause shown,

IT IS on this 21st day of July, 2023,

ORDERED that Pearson's demand for an Order compelling Chegg's compliance with ECF No. 133 is hereby **DENIED**; and it is further

ORDERED that the parties shall meet-and-confer regarding Pearson's "new" requests and the solution proposed by Chegg to Pearson on July 17, 2023; and it is further

ORDERED that, on or before August 1, 2023, the parties shall submit a joint letter, not exceeding three pages, single-spaced, advising the result of their meet-and-confer efforts, whether a dispute remains, and, if so, each party's respective position.

SO ORDERED.

/s/ Jose L. Linares

Hon. Jose L. Linares, U.S.D.J. (Ret.)